

JUDGE LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	NO. CR05-198RSL
)	
Plaintiff,)	STIPULATION AND ORDER
)	CONTINUING PRETRIAL
vs.)	MOTIONS DUE DATE AND
)	TRIAL DATE
)	
CHRISTOPHER URGA,)	
)	
Defendant.)	
)	

Comes now the defendant, Christopher Urga, by and through his attorney, Michael G. Martin, and the United States of America, by and through John McKay, United States Attorney for the Western District of Washington, and Andy Colasurdo and Andrew C. Friedman, Assistant United States Attorneys, and submit this stipulation and order to continue the pretrial motions due date and the trial date in this matter. The parties request that the pretrial motions due date be set for December 9, 2005 and that the trial date be continued from October 24, 2005 to January 30, 2006 or as soon thereafter as is convenient for the Court. The parties respectfully submit that this continuance is necessary to avoid a miscarriage of justice. This continuance is requested for the following reasons.

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Defendant Urga is charged in a two count Indictment as being a felon in possession of two firearms. If convicted, he could be sentenced to a mandatory minimum of fifteen years in custody if the Court finds that he has at least three predicate felony convictions that would qualify him to be sentenced as an Armed Career Criminal.

Defendant Urga instructed defense counsel to seek leave to withdraw and for the appointment of new counsel on at least three occasions. Communication between defense counsel and Mr. Urga declined and nearly came to a complete halt in mid-August 2005. Defense counsel sought leave to withdraw in a motion filed on August 22, 2005. A hearing was held before Magistrate Judge Benton on September 8, 2005, and the Court denied the motion.

Due to the failed communication between defense counsel and Mr. Urga, defense counsel is nearly one month behind in his preparation for the trial in this matter. Defense counsel has the following trial dates set: United States v. Morris, et al., CR05-232MJP, October 3, 2005; United States v. Woo, CR05-292JCC, October 17, 2005; United States v. Jennings, CR04-243JLR; United States v. Armstead, CR04-512P, November 14, 2005; United States v. Woo, CR99-600JCC, December 19, 2005. Based on this trial schedule and the preparation required for these cases, defense counsel cannot be prepared for trial in this matter until late January, 2006, at the earliest.

The parties believe that proceeding to trial on October 24, 2005 would likely result in the ineffective assistance of counsel based upon insufficient time to investigate and prepare this matter for trial given the status of this case and defense counsel's trial schedule in other matters. For all the reasons set forth above, the parties respectfully ask that the Court set December 9, 2005 as the pretrial motions due date and continue the trial date from October 24, 2005 to January 30, 2006.

Defendant Urga has executed a Speedy Trial Waiver through February 28, 2006 that will be filed with the Court.

Respectfully submitted this _____ day of September, 2005.

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ORDER

This matter comes before the Court on a stipulated motion by the parties to continue the pretrial motions dud date and the trial date, and the Court having considered the entirety of the record and filed herein, the Court finds as follows.

This matter is currently set for trial on October 24, 2005. Defense counsel previously sought leave to withdraw as counsel for Mr. Urga after communications with the defendant broke down. The Court denied the motion to withdraw, but as a result of the failure in communication, defense preparation fell approximately one month behind schedule. In addition, defense counsel's trial schedule in other matters file in this district make it impossible for defense counsel to complete preparation before the current trial date. The parties agree that defense counsel needs additional time to complete the investigation before being prepared to begin trial on this matter. Given this, proceeding to trial on the current trial date of October 24, 2005 will likely result in the ineffective assistance of counsel and

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result in a miscarriage of justice. The Court further finds that the interests of the public and the defendants in a speedy trial in this case are outweighed by the ends of justice served by continuing the trial date in this matter. Now, therefore,

IT IS HERBY ORDERED that all pretrial motions in this matter must be filed no later than December 9, 2005; and responses to be filed no later than December 23, 2005; that the trial date be continued from October 24, 2005 to January 30, 2006; and that the time between the date of this Order and the new trial date be excludable time under the Speedy Trial Act pursuant to Title 18, USC Sections 3161(h)(8)(A), 3161(h)(8)(B)(i) and 3161(h)(8)(B)(ii).

Done this 27th day of September, 2005.



Robert S. Lasnik
United States District Judge

Presented by:

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